

### REMARKS/ARGUMENTS

Reconsideration of the present application in view of the above amendments and following remarks is requested respectfully.

Claims 2 and 3 are pending in the present application. Applicants note that Claims 4-40 were withdrawn from consideration. Applicants have requested cancellation of Claims 1, and 4-40, without prejudice. Applicants expressly reserve the right to pursue the canceled subject matter in one or more divisional and/or continuation applications. Claims 2 and 3 have been amended. No claims have been added.

Applicants acknowledge with appreciation that Claim 3 has been deemed by the Examiner to contain allowable subject matter. As the Examiner has suggested, Claim 3 has been amended to appear in independent form and to recite the elements of the base claim (Claim 1). Claim 2 has also been amended to appear in independent form. Applicants submit that the amendments do not introduce new matter.

Claim 1 has been rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement and inadequate written description. Applicants disagree with these rejections. Nevertheless, it is submitted respectfully that this rejection has been rendered moot in view of the cancellation of Claim 1, discussed supra.

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Donoho et al (WO 01/94566). Applicants respectfully traverse this rejection.

Applicants note that Donoho et al. is a publication of an International Application (IA) that did **not** designate the United States. Applicants respectfully point out that a publication of an IA cannot be applied as prior art under § 102(e) unless the IA designated

the United States; therefore, Donoho et al. is not available as prior art against the present application. Applicants thus respectfully request that this rejection be withdrawn.

**Drawings**

As the Examiner has requested, Applicants have amended the Specification to add the required paragraph indicating the inclusion of color drawings. Applicants submit that the amendment does not introduce new matter. Further, as the Examiner has required, Applicants have submitted herewith a petition for acceptance of color drawings under 37 CFR 1.84(a)(2), along with the appropriate fee. Also submitted herewith are three (3) sets of color drawings, along with one (1) copy in black and white.

**Oath/Declaration**

As the Examiner has required, Applicants have submitted herewith a new declaration under 37 CFR 1.67(a) identifying the instant application by application number and filing date. As requested by the Examiner, the newly submitted declaration identifies the mailing address as well as the city and state of residence of each inventor. The date of signature of each inventor is indicated.

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**Application No.:** 09/855,294  
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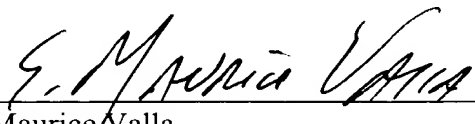
**PATENT**

**Conclusion**

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record, and places the application in condition for allowance. Accordingly, an early and favorable reconsideration of the rejections and an allowance of all of pending Claims 2 and 3 are requested respectfully.

Respectfully submitted,

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